

**CITY OF MILWAUKIE
CITY COUNCIL WORK SESSION
NOVEMBER 19, 1996**

Mayor Lomnicki called the work session to order at 5:00 p.m. in the second floor conference room in City Hall.

Present were Councilmembers Farley, Schreiber, Kappa, and Trotter; Dan Bartlett, City Manager; Charlene Richards, Assistant to the City Manager; Jim Brink, City Engineer; Ruthanne Bennett, Civil Engineering Assistant; and Jack Perry, Operations Supervisor.

Information Sharing

Mayor Lomnicki discussed a notice for an upcoming meeting of the Clackamas River Basin Council. **Bartlett** said staff would attend and keep the City Council informed.

Mayor Lomnicki announced a light rail ride sponsored by the SE Uplift.

Councilmember Trotter discussed the sewerage facility siting recommendations. Both contained recommendations to retain Kellogg at its current location with modifications and mitigation. New plant construction was recommended at Site K or Tri-Cities. He added he was asked to continue as a subcommittee member. For clarification, **Councilmember Kappa** asked if there was a Kellogg expansion proposed. **Councilmember Trotter** said there was not, and Kellogg is proposed to stay as it is with the addition of purer effluent. The Clackamas County Board of Commissioners must determine how to finance the projects. **Councilmember Schreiber** expressed some concern that mitigation at Kellogg would not be a high priority, but **Councilmember Trotter** pointed out mitigation was recommended.

Councilmember Schreiber discussed a recent Parks District Board meeting and the proposed list of CDBG projects.

Bartlett discussed a letter from Clackamas River Water regarding an upcoming meeting and a recommendation that the districts work on developing an IGA.

Bartlett reviewed tentative work session topics: joint work session with the School Board on December 3 regarding the School Trip Safety Program; surface water issues on December 17; and water issues in January.

Bartlett discussed the Regional Water Consortium, growth management, and the implications of about 80 people per day moving into the region.

Bartlett discussed staffing for the potential flooding in the area. It was being treated as a limited Public Works incident, and he did not plan to activate the EOC since it was occurring in a localized area. Johnson Creek has already crested higher than in the February 1996 flood and will probably be 3 - 4 feet above flood stage. Kellogg Lake is low compared to the flood event, but upstream there have been flooding calls the City had never received before. There may be a blockage of some sort. There are sandbags that can be filled and picked up at the Johnson Creek Blvd. facility.

Councilmember Kappa asked how the water authority expects to organize the process since all the stakeholders are not involved. **Bartlett** responded both Gladstone and Happy Valley have indicated interest in being involved. Except for Milwaukie, which has interties, all of the suggested participants are on the Clackamas River supply. He felt SB 122 was speeding up these types of processes, and districts are more interested in annexation-friendly language. The group discussed possible Measure 47 impacts.

Mayor Lomnicki announced the Milwaukie Downtown Development Association (MDDA) meeting on Thursday and noted Councilmember Trotter's name was brought forward by the nominating committee for the position on the Board of Directors as the City's representative. The group agreed to review the contract to determine if the City Council should have the responsibility for naming its own designee.

Councilmember Schreiber announced the December 2, 1996, Livable Cities Conference sponsored by Blumenauer. Various members of the City Council and community have been invited to participate.

Surface Water Project Update

Bartlett introduced **Brink, Bennett, and Perry**.

Bennett described the two projects: replace 2400 feet and construct 400 feet of storm line with catch basins and manholes on Washington and 33rd, 34th and 35th Avenues. It was determined the existing storm line was inadequate to serve the new lines, so the project was expanded to include replacement of the undersized line. The project estimate was increased from \$20,000 to \$130,000.

Councilmember Trotter asked if the storm lines were going to catchbasins. **Bennett** said the project included catchbasins. The existing 18-inch storm line near Oak can be used, but the lines feeding into it need to be increased to 18 or 24 inches.

Councilmember Kappa asked if treatment would be included. **Bennett** said this project scope is conveyance only, and the storm water will go into Kellogg Creek near Dogwood Park. **Perry** added the catchbasins will have sumps.

Councilmember Kappa asked how much more it would cost to capture 80% of the sediment. **Brink** said those estimates on the treatment element have not been made. The purpose of the proposed project is to quickly remove water from the streets. This project was designed to match the overall Storm Water Master Plan. **Bartlett** added there will be additional sumps added through this project. He discussed flooding problems in the area and the need to address conveyance problems.

Councilmember Farley asked if there will be an overload on the Oak Street lines if the feeder lines are larger. **Bennett** said there should be no problem and added the 10-inch pipe constricted the flow of storm water.

Perry discussed National Pollutant Discharge Elimination System (NPDES) permit requirements and the probable addition of a sump.

Bennett discussed the project to construct a storm line on Monroe from 40th to 37th where a line already exists. **Councilmember Schreiber** asked how this project would relate to proposed Monroe Street improvements. **Bennett** responded those improvements are planned for 45th Avenue and east.

Bartlett added there were funds available for both projects.

Councilmember Kappa asked if there was significant damage to the streets and sidewalks. **Brink** said, if a street has not been recently overlayed, water aggravates the situation. Anytime water can be gotten off the street, the life span of the pavement will be improved.

Councilmember Farley inquired if, on streets with no curbs, pavement can be driven up by water freezing underneath. **Brink** said this sort of thing could certainly contribute to the deterioration of the pavement.

Mayor Lomnicki commented it has taken about four years to accumulate enough money to begin making improvements. Utility improvements will be made on Monroe during the summers of 1998 and 1999, and after that, paving will begin.

Councilmember Kappa asked the status of the Monroe Street design. **Bartlett** said the design will be consistent with the TSP. **Councilmember Kappa** asked if options for cleaning water would be considered, and **Perry** responded there will be options considered.

Urban Services Project

Bartlett presented the staff report and directed City Council attention to the November 1996 Briefing Sheet. This is an outline of discussion items, and his report to the Steering Committee on December 2, 1996, will be based on discussions in this work session.

The first issue is the governance scenario and incorporation. There are seven alternatives, some of which are inclusive and other exclusive. The seven alternatives are: status quo; city-county consolidation (this one is somewhat difficult because it contains City of Portland/Multnomah County language); municipal county; one city; new cities (this would create a new city in Damascus and one in the Oak Grove/Jennings Lodge area); multiple larger cities (Milwaukie, Oregon City, Happy Valley, and Gladstone would expand by annexation); and regional coordinating council (this would work on any of them and was supported by a large number of people).

The second issue is long-term service delivery. There were technical committees formed involving area service providers to discuss service provision options. The planners discussed a joint, local government agency to coordinate planning efforts. Suggestions included an intergovernmental agreement for a regional planning service until the cities asserted their annexation plans.

He discussed water supply issues on the Clackamas River. It was determined allocations should be planned and developed by one intake and treatment facility located outside the urbanized area. The idea would be to abandon the multiple intakes on the Clackamas River. Wholesale water supply should have a single boundary that includes all participants. There were several options for retail sale of water: a single boundary for all participants; boundaries determined by treatment facility locations; and cities may, at their discretion, decide whether to contract for the service from the wholesale entity.

Councilmember Kappa asked for clarification at this point. He said it seemed any proactive annexation would be impeded if cities were to buy water wholesale and sell at retail. This did not seem to give much encouragement to unincorporated areas to annex into a city. **Bartlett** said, on the retail side, most entities would retail water for similar rates. He referred to the later points that the cities have identified the desire to be the billing and customer service agency. For example, water would be sold at the same retail price in both incorporated and unincorporated areas.

Councilmember Farley said it seemed there would be a cost to go into this type of service delivery. **Bartlett** indicated the costs, if any, had not been determined.

Bartlett discussed watershed management and related this issue to the meeting announcement Mayor Lomnicki made earlier. There is agreement the whole Clackamas River drainage needs a single managing entity that has the authority to come together to conduct the planning.

Mayor Lomnicki said he understood there are various groups vying to be designated by the state legislature as the representative. Loosely formed partnerships are being established and they are seeking enough recognition and support from various agencies to be selected by the legislature as the coordinating agency. **Councilmember Kappa** said he did not think statutes gave the authority to set up a separate government council. **Mayor Lomnicki** responded these groups are forming partnerships, and they do not have any authority. They hope, with enough support, they will be chosen to represent the watershed basin.

Bartlett said the regional water purveyors in the Clackamas area want an intergovernmental agreement in which all of the entities are bound together. He discussed the possibility of interest groups executing an IGA stating there will be cooperation and the desire to be designated the Clackamas Watershed Coordinating Council. In such an instance, the governor's office would probably have to recognize the group. There is also a dynamic forming between the environmental groups and the water suppliers. The Clackamas River group is working toward developing partnerships with all the groups.

Bartlett went on to discuss sanitary sewers. The elements of this are treatment, transport, collection, and source control/industrial pre-treatment. There is a hope all current sewerage agencies will merge into one entity. EPA has identified sewage treatment as one of those services most cost effectively provided to populations over 250,000. Smaller entities are still interested in the billing element. **Councilmember Trotter** said he found it interesting that Tri-Cities and CCSD #1 are separate entities, but they both have the same board of directors and staff. A merger of these service districts would be simple. **Bartlett** added the County Commissioners support a merger.

Mayor Lomnicki asked if the major service lines would be part of the larger entity with local control of the smaller lines. **Bartlett** said that was correct. The group did not resolve the issues of who would be responsible for operations/maintenance of transport facilities. The sewer operators cannot agree on the line size that would require immediate service response. Milwaukie wants the ability to respond quickly to solve sewer backup problems. He felt the resolution was to be some type of line size agreement.

Councilmember Kappa felt there was an argument for 24-inch lines to be under control of the cities.

Councilmember Schreiber talked about the concern for clean sewers. The entities who handle the major systems want to control intake through industrial planning. The cleaning period may be longer if the service provider is a small entity. **Bartlett** said the agreement is that the most influential and powerful entities should handle the pre-treatment element.

Bartlett continued the discussion with surface water management issues. The customer service could be local, but the big source control should be regional. There is already a surface water commission in place.

He continued the discussion with roads. Planning, construction, and maintenance of arterials and collectors should be done by one entity. Local governments should plan, construct, and maintain local streets.

Councilmember Trotter said he was unclear why maintenance of collector streets should be a regional and local combination while planning for them was not. Collector streets, he felt, were defined as being within the local jurisdiction. He thought collector streets should be part of the local plan. **Bartlett** said he did not know why this type of identification was made.

Councilmember Schreiber commented on the planning issue. It seemed one point being missed was that the primary goal of the City has been to advocate services and to be the responder. She felt the whole plan was not dealing with that aspect and should be built into the service plan. Response and one-to-one contact with the public is very important.

Councilmember Trotter pointed out the issue of “who should do it” directly addressees Councilmember Schreiber’s concern. **Mayor Lomnicki** added roads are very different from sewer or water services due to the fact they are on the surface, so there may be more concerns.

Councilmember Schreiber said she felt the issue was two parts: planning services and maintenance.

Councilmember Kappa said planning needs to be coordinated.

Councilmember Trotter said there is overall planning at localized levels and noted the interface between the regional and local transportation plans.

Mayor Lomnicki said the Oregon Transportation Initiative (OTI) will talk about funding two operations: maintenance/preservation and Livability and Economic Opportunity (LEO). The LEO funds would go to the regions with regional decision-making bodies established throughout the state. The trend will probably be to establish a body to allocate resources but not necessarily dictate to local jurisdictions.

Councilmember Schreiber said the ability to give input locally is very important and should not be overlooked in SB 122 discussions.

Councilmember Kappa said, whatever the service may be, he did not see the need for fragmented planning. There should be one planning entity, and the

cities need to have strong, active participation in the planning process. Planning must address multiple service sources and not only the single entities.

Bartlett reviewed the fire/emergency medical service element. Clackamas and Oak Lodge led this piece. The biggest problem identified is emergency communications.

The final element was parks. The Parks District is meeting with the City of Happy Valley Parks Board, and it will probably only be a short time before that city joins. He discussed the City of Gladstone's appreciation of the Parks District model.

Bartlett asked for City Council direction on the service delivery options.

Councilmember Schreiber said elected officials had met, and it did not seem attendance was as important to the cities as it was to the special districts.

Bartlett said the various staff members involved were surprised there was so little dialogue and discussion. **Councilmember Schreiber** said most of the comments after the meeting were quite different. The elected officials felt service delivery was talked about all the time, and they could not be pushed into anything they did not like. She did not feel the situation is not being taken seriously.

Councilmember Trotter said he felt part of the difficulty was that most of the recommendations would have to go through the state legislature for anything to happen. He felt people did not believe there was any way for these changes to actually take place. The result would either be the status quo or the regional coordinating council. Even multiple large cities have a lot of things that have to happen beyond the control of any one entity. He felt no one was really paying attention because everyone thinks nothing will ever happen.

Councilmember Schreiber said the small districts and those who let someone else take the lead will be really surprised.

Councilmember Kappa said we cannot go with the status quo since it leads nowhere.

Bartlett said what he needs to know prior to the December meeting is what Milwaukie supports.

Mayor Lomnicki said the City Council could indicate which recommendations it definitely does or does not support.

Councilmember Kappa said he could not support alternatives #1, #2, #3, or #4. His choices were alternatives #6 and #7. He also indicated support of #5 with reservations.

Mayor Lomnicki said his preference was also #6. He had reservations on #5 and #7.

Councilmember Trotter concurred. He felt #7 was simply a way to extend the status quo.

Councilmember Kappa asked if there would be an impact from Measure 47. **Bartlett** assured him there would.

Councilmember Trotter was interested in the county service districts and the county's supposedly stated position to get out of the urban service delivery system. He asked how that would relate to the county service district. Are they saying we want to get rid of our county service districts? **Bartlett** said both "yes" and "no." They have said they want to get out of service delivery, but, on the other hand, the county seems interested in creating a service district toward Sunnyside Village and to the east.

Councilmember Trotter asked if the county would be agreeable to Milwaukie's annexing and taking over service areas. **Bartlett** said the county would be agreeable.

Councilmember Farley asked how this would be coordinated with the Urban Growth Boundary (UGB). **Bartlett** said all of this agreement assumes the current UGB plus the urban reserves. The Portland State White Paper Report discussed the relationship of the urban reserve and incorporation.

Councilmember Kappa said the functional plan works well with #6.

Mayor Lomnicki felt, as densities increase, populations should be targeted that still provide a sense of citizen access to government. He read that 80,000 - 100,000 populations make sense for many service provision reasons while still giving citizens access to their decision makers.

Councilmember Kappa commented this would still be a very controllable area.

Mayor Lomnicki said his sense was that if there is a group of cities in the UGB area with that target population, there will be an equal level of power and influence within the Metro regional decision-making process. Currently, some jurisdictions do not have the same influence as the larger cities such as Beaverton or Gresham. Both Councilmember Schreiber and he are at the regional meetings and participating at various levels, but those cities not directly involved have lost a lot of their influence.

Councilmember Schreiber felt the people in the unincorporated areas had no voice. **Mayor Lomnicki** agreed with the accuracy of the statement.

Councilmember Trotter said he has not been able to understand the way the current annexation laws are written. There is a requirement that both the city and the area to be annexed have to vote on the action. He wondered what would motivate people in unincorporated areas to vote to annex to a city.

Councilmember Schreiber said some people assumed it would be automatic in light of SB 122 and Metro's lobbying the legislature to change to Boundary Commission. **Councilmember Trotter** said this has not happened.

Councilmember Schreiber said this would take five to six years, at least. She felt whatever plan Metro develops should cause as little disruption as possible when it comes to annexation. The Metro Council and planners want to see everything within the UGBs urbanized in such a manner so there is some entity with which people can deal. When she looks at the map, she looks at what would be the most comfortable solution to getting all of the land and people into some kind of incorporated pattern.

Councilmember Trotter said he has read nothing about how we get the legislators to either change the law or get the people in the unincorporated areas to agree to join up with cities, as outlined in alternatives # 5 and #6.

Councilmember Schreiber said some people assumed, because of the Boundary Commission issue and Metro's impact on the legislature, it would go in as a package. She discussed similar problems Washington County is facing.

Councilmember Kappa said he felt Measure 47 would impact the situation and shift the burden more onto the unincorporated areas. We will have to look at what services are being paid for on a county-wide basis, and cities can no longer subsidize unincorporated areas.

The group discussed the levels of service to unincorporated areas, and **Councilmember Trotter** commented he felt there was little incentive for people to vote to join a city.

Mayor Lomnicki suggested incentives or disincentives to move people toward incorporating. Another option would be control by the state legislature. If there are established UGBs, annexation will be automatic, and residents understand it is for the better public good to deal with problems as cities.

Councilmember Schreiber said that process would go more smoothly if the already existing entities were to absorb the unincorporated area. She thought Metro's push and the legislature's response would be much more acceptable.

Mayor Lomnicki pointed out, in the beginning of the SB 122 process, participants did an exercise in which, if they had to be in a city, which one they would select.

Councilmember Schreiber said she felt the focus and discussion groups really talked against incorporating new cities because of the work involved. She did not have a strong feeling about how big the City of Milwaukie should be.

Councilmember Trotter said, in reality, any of these options are very difficult. All of them are going to require something from the state legislature, so he felt it was a matter of which one was best.

Councilmember Schreiber said she felt it was time to face up to that question.

Councilmember Trotter said the involvement of the state legislature was the element missing from all of the alternatives. There is no real talk about what must be done if we, for example, support alternative #6.

Councilmember Kappa said some of that issue is addressed in the conclusion to the White Paper. **Councilmember Trotter** said the conclusions were very general and questioned at what point in the process would that issue be addressed. **Councilmember Kappa** said it all depends for which alternative we wish to plan.

Bartlett summarized the statements: Milwaukie would like to look further at alternative #6 -- multiple larger cities. The next step of the model will be to begin writing scenarios to visualize actions in 1997.

The group discussed scenarios created with the Parks District and the lack of turf issues in that framework.

Bartlett said he would review the minutes and asked the City Council to read the draft before the December 2 Steering Committee meeting.

Bartlett reviewed the comments. The Milwaukie City Council basically supports alternatives # 5 (with reservations), #6, and #7 with strong preference for #6. The City of Milwaukie feels in many of the areas, the local control is an important issue.

Councilmember Schreiber said she wants one service provider phone number for residents to call.

Councilmember Trotter said another issue involved with the one phone number is that it should be more than simply a message center. The City of Milwaukie has little control over what the Parks District realistically does. Milwaukie is an entity of the District and has major control over what happens to City-owned property. There has to be some leverage to maintain some control.

Councilmember Schreiber urged continuing to be very altruistic and letting people know we want to represent them. Local representation is part of the planning and decision-making processes.

Mayor Lomnicki said he liked the term "local accountability." The general public does not want to be controlled by anyone, but people want to know who is accountable. He suggested talking about local accountability rather than local control.

Bartlett discussed the Lane County/Springfield/Eugene process and how it fell apart because the parties rushed into it. Entities are more cooperative in that region than in this one, and he feared the consultant was pushing to complete the project within the contract time. Relationships need to be built.

Councilmember Trotter said relationship building was the advantage of alternative #7. He was not sure he totally supported alternative #5, but he personally felt either #6 or #7 was the way to go.

Mayor Lomnicki said perhaps alternative #7 was the way to get to #6.

Mayor Lomnicki adjourned the work session at 6:45 p.m.

Pat DuVal, Recorder/Secretary